

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA

3 * * *

4 Kentrell D. Welch,

5 Plaintiff,

6 v.

7 Michael Minev, et al.,

8 Defendants.
9

Case No. 2:19-cv-01064-GMN-BNW

Order re 97

10 On May 3, 2021, Plaintiff filed a Motion requesting a Rule 35 examination(s) on himself.
11 ECF No. 97. Defendants responded at ECF No. 108 and Plaintiff replied at ECF No. 110.

12 Rule 35 authorizes a district court to order a party whose mental or physical condition is
13 in controversy to submit to a physical or mental examination by a licensed professional. Fed. R.
14 Civ. P. 35(a)(1). An order for physical examination “(A) may be made only on motion for good
15 cause and on notice to all parties and the person to be examined; and (B) must specify the time,
16 place, manner, conditions, and scope of the examination, as well as the person or persons who
17 will perform it.” Fed. R. Civ. P. 35(a)(2).

18 The rule allows an opposing party who complies with the rule to obtain an order requiring
19 a Plaintiff to submit to a medical examination. It does not allow a party who has placed his or her
20 mental or physical condition at issue to obtain an expert examination or report. *Berg v. Prison*
21 *Health Servs.*, 376 Fed. Appx. 723 (9th Cir. 2010); *Patton v. Hollingsworth*, 2015 WL 1877426,
22 at *1 (D. Nev. April 22, 2015) (“Rule 35 does not authorize [a pro se prisoner plaintiff] to seek
23 his own free examination to obtain evidence to prosecute his case.”).

24 Here, plaintiff seeks his own medical examination.

25 **IT IS THEREFORE ORDERED** that ECF No. 97 is **DENIED**.

26 DATED: August 6, 2021.

27 

28 Brenda Weksler
United States Magistrate Judge